

90th Legislative Session – 2015

Committee: House Judiciary

Monday, February 09, 2015

P - Present
E - Excused
A - Absent

Roll Call

P Hunt
P Johns
P DiSanto
P Haugaard
P Langer
P Latterell
P Peterson (Kent)
P Russell
P Westra
P Gibson
P Killer
P Stevens, Vice-Chair
P Mickelson, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Mark Mickelson, Chair.

MOTION: TO APPROVE THE MINUTES OF FRIDAY, FEBRUARY 6, 2015.

Moved by: Gibson
Second by: Hunt
Action: Prevailed by voice vote.

HB 1142: revise certain provisions pertaining to the age requirements for sex offender registry registration.

Presented by: Representative Peggy Gibson
Proponents: Charlie McGuigan, Attorney General's Office
Paul Bachand, South Dakota State's Attorneys Association

MOTION: DO PASS HB 1142

Moved by: Hunt
Second by: Westra
Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Hunt, Johns, DiSanto, Haugaard, Langer, Latterell, Peterson (Kent), Russell, Westra, Gibson, Killer, Stevens, Mickelson

MOTION: PLACE HB 1142 ON CONSENT CALENDAR

Moved by: Johns
Second by: Langer
Action: Prevailed by voice vote.

HB 1173: deter certain frivolous appeals of land zoning decisions.

Presented by: Representative Lee Qualm - spoke again on rebuttal
Proponents: Brian Donahoe - telephone testimony
Opponents: Debra Barta, Self

MOTION: AMEND HB 1173

1173fb

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 15-17-51 be amended to read as follows:

15-17-51. If a civil, including an action for appeal of a zoning decision, action or special proceeding is dismissed or requested relief is denied and if the court determines that it was frivolous or brought for malicious purposes, the court shall order the party whose claim, cause of action, or defense was dismissed or denied to pay part or all expenses incurred by the ~~person~~ party defending the matter, including reasonable attorneys' fees."

Moved by: Latterell
Second by: Hunt
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1173 AS AMENDED

Moved by: Hunt
Second by: Westra
Action: Prevailed by roll call vote. (10-3-0-0)

Voting Yes: Hunt, Johns, DiSanto, Langer, Latterell, Peterson (Kent), Russell, Westra, Stevens, Mickelson

Voting No: Haugaard, Gibson, Killer

MOTION: AMEND TITLE OF HB 1173

1173fta

On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "revise certain provisions regarding liability of parties involved in frivolous or malicious civil actions.".

Moved by: Stevens
Second by: Latterell
Action: Prevailed by voice vote.

HB 1160: require a defendant to undergo a mental examination prior to any sentence imposed after a defendant is found guilty but mentally ill.

Presented by: Representative Steve Hickey
Proponents: Traci Smith, Self - telephone testimony
Opponents: Paul Bachand, South Dakota State's Attorneys Association

MOTION: DEFER HB 1160 TO THE 41ST LEGISLATIVE DAY

Moved by: Stevens
Second by: Russell
Action: Prevailed by roll call vote. (8-5-0-0)

Voting Yes: Hunt, DiSanto, Langer, Peterson (Kent), Russell, Westra, Stevens, Mickelson

Voting No: Johns, Haugaard, Latterell, Gibson, Killer

HB 1163: reinstate certain civil actions for childhood sexual abuse.

Presented by: Representative Steve Hickey (Handouts: #1)
Proponents: Gerri Dubourt, Self

Dr. Barbara Dahlen, Self
Representative Kevin Killer
Opponents: Steve Smith, Self
Brett Koenecke, SD Synod, Evangelical Lutheran Church In America
Mike Shaw, Property Casualty Insurers Association of America

MOTION: DEFER HB 1163 UNTIL ANOTHER DAY

Moved by: Latterell
Second by: Killer
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Latterell
Second by: DiSanto
Action: Prevailed by voice vote.

Liz Markley
Committee Secretary

G. Mark Mickelson, Chair